

## **ADMINISTRATIVE PANEL DECISION**

Sopra Steria Group v. Gilles Guillouet  
Case No. D2022-1338

### **1. The Parties**

The Complainant is Sopra Steria Group, France, represented by Herbert Smith Freehills Paris LLP, France.

The Respondent is Gilles Guillouet, France.

### **2. The Domain Name and Registrar**

The disputed domain name <fr-sopragroupe.com> is registered with Hosting Concepts B.V. d/b/a Openprovider (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 13, 2022. On April 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 18, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on April 19, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on April 22, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 27, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 17, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 19, 2022.

The Center appointed Fabrice Bircker as the sole panelist in this matter on June 1, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of

Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The Complainant, Sopra Steria Group, is a French company that was established in September 2014, upon the merger of Sopra Group SA and Groupe Steria SCA, two companies that were founded respectively in 1968 and 1969.

The Complainant is a leading international player in the field of consulting and information technology services, as well as in software publishing. It operates in many countries and most notably in Asia (Hong Kong, China, Singapore, India), Europe (France, Belgium, Netherlands, Luxemburg, Spain, Italy, United Kingdom, and Switzerland) and North Africa.

Its activities are protected through many trademarks, such as:

- **SOPRA.** French trademark filed on April 16, 1992, registered under No. 92416410, duly renewed since then, and protecting goods and services of classes 9, 16, 35, 41 and 42;
- SOPRA, European Union Trade Mark filed on June 24, 2010, registered on December 6, 2010, under No. 9199886, duly renewed since then, and protecting goods and services in Classes 9, 16, 35, 38, 41 and 42;
- SOPRA, International trademark No. 1163226 registered on April 8, 2013, in Classes 9, 16, 35, 36, 38, 41 and 42 and notably protected in countries including China, Singapore, Australia, Israel, Russian Federation, and Ukraine.

The disputed domain name, <fr-sopragroupe.com>, was registered on March 7, 2022.

It is resolving to a parking page of a web host services provider.

Besides, the disputed domain name has been used to create the email address “[...]@fr-sopragroupe.com”, and one of the Complainant’s clients has been contacted by phone by someone pretending belonging to the Complainant’s financial administration department and requesting that any outstanding invoices to be paid to the Complainant be sent to the above-mentioned email address.

#### 5. Parties’ Contentions

##### A. Complainant

The Complainant requests the transfer of the disputed domain name, and its main arguments can be summarized as follows.

##### Identical or Confusingly Similar

The Complainant contends that the disputed domain name is confusingly similar to its SOPRA trademark, as it fully reproduces it by merely adding the elements “fr” and “groupe”, and the generic Top-Level Domain (gTLD) “.com”, which are not sufficient to distinguish said disputed domain name from the invoked trademark.

##### Rights or Legitimate Interests

The Complainant claims that to the best of its knowledge the Respondent is not known under the disputed domain name, nor holds any trademark on the SOPRA sign.

The Complainant adds that it has not granted any license to the Respondent to use the SOPRA trademark, nor has it authorized it to register or use the disputed domain name.

Besides, the Complainant contends that the Respondent cannot justify of any use of the disputed domain name in connection with a *bona fide* offering of goods or services, nor of any serious preparations for that purpose because the disputed domain name resolves to a parking page and because it has been used in an attempt to scam the Complainant's clients.

#### Registered and Used in Bad Faith

First, the Complainant contends that the disputed domain name was used to create the email address "[...][@fr-sopragroupe.com](mailto:[...]@fr-sopragroupe.com)" and that any recipient of an email sent from this address will mistakenly perceive it as being sent by the Complainant's accounting department.

In addition, the Complainant puts forward that one of its clients was contacted by phone and asked to send any outstanding invoices to be paid to the Complainant, to the email address "[...][@fr-sopragroupe.com](mailto:[...]@fr-sopragroupe.com)".

Then, the Complainant contends that the disputed domain name was registered as part of a fraudulent scheme, with the sole purpose of fraudulently impersonating the Complainant in order to obtain the payment of invoices due to the latter.

Besides, the Complainant claims that the condition of bad faith use of the disputed domain name is met where the Respondent had prior knowledge of the reputation of the Complainant's trademark, what is satisfied in the present case because the disputed domain name reproduces the SOPRA trademark which is distinctive.

Moreover, the Complainant argues that the choice of the "fr" prefix, which directly refers to the Complainant's main place of business, and of the term "groupe" cannot be fortuitous.

At last, the Complainant contends that as the disputed domain name resolves to a parking page, the Respondent's bad faith use can also be established under the doctrine of passive holding.

#### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

#### **6. Discussion and Findings**

Pursuant to paragraph 4(a) of the Policy, for obtaining the transfer of the disputed domain name, the Complainant must establish each of the following three elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Besides, paragraph 15(a) of the Rules provides that "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

Paragraphs 10(b) and 10(d) of the Rules also provide that "[i]n all cases, the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case" and that "[t]he Panel shall determine the admissibility, relevance, materiality and weight of the evidence".

Besides, the Respondent's failure to reply to the Complainant's contentions does not automatically result in a decision in favor of the Complainant, although the Panel is entitled to draw appropriate inferences therefrom, in accordance with paragraph 14(b) of the Rules (see section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Taking the foregoing provisions into consideration the Panel finds as follows.

#### **A. Identical or Confusingly Similar**

Pursuant to paragraph 4(a)(i) of the Policy, the Complainant must firstly establish rights in a trademark or service mark and secondly establish that the disputed domain name is identical or confusingly similar to its trademark.

Annex 5 to the Complaint shows trademarks registrations for SOPRA in the name of the Complainant, among which those detailed in Section 4 above.

This trademark is identically reproduced in its entirety within the disputed domain name, <fr-sopragroupe.com>.

Besides, the element "fr" clearly refers to France as it is the ISO code 3166 of this country and will therefore be perceived as a geographical term, and "groupe" is a common dictionary term in French.

The addition of these elements in the disputed domain name do not prevent a finding of confusing similarity of the disputed domain name to the Complainant's marks.

Indeed, there is a consensus view among UDRP panels that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element (see [WIPO Overview 3.0](#), section 1.8; or *Kabbage, Inc. v. Name Redacted*, WIPO Case No. [D2020-0140](#)).

As far as the gTLD ".com" is concerned, it consists of a standard registration requirement, and may therefore be disregarded when determining identity or confusing similarity under the first element.

As a result of all the above, the Panel concludes that the requirements of paragraph 4(a)(i) of the Policy are satisfied.

#### **B. Rights or Legitimate Interests**

Under the Policy, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such a *prima facie* case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy ([WIPO Overview 3.0](#), section 2.1; or for instance *Applied Materials, Inc. v. John Warren*, WIPO Case No. [D2020-0950](#)).

In this case, the Respondent has not been authorized by the Complainant to register and to use the disputed domain name.

In addition, there is nothing in the record of the case likely to indicate that the Respondent may genuinely be commonly known by the disputed domain name.

Besides, according to un rebutted explanations and supporting materiel provided by the Complainant, the disputed domain name appears to have been used in a fraudulent scheme where the Respondent has impersonated the Complainant.

As mentioned in Section 4 above, a client of the Complainant has been contacted by phone by someone pretending to be an employee of the Complainant's financial department and requesting that any outstanding invoices to be paid to the Complainant be sent at an email address related with the disputed domain name.

Obviously, such use of the disputed domain name does not amount to a legitimate noncommercial or fair use. On the contrary, such use is made with intent to misleadingly diverting people in usurping the Complainant's identity, and may also tarnish the Complainant's trademark. In this respect, UDRP panels have categorically held that the use of a domain name for illegal activity (such as phishing or impersonation) can never confer rights or legitimate interests on a respondent (see [WIPO Overview 3.0](#), section 2.13; or *Colas, Société Anonyme v. Concept Bale*, WIPO Case No. [D2020-2733](#)).

Taking all the above into consideration, the Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has had an opportunity to rebut the Complainant's contentions but has not done so.

Consequently, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name, and accordingly that the second element in paragraph 4(a) of the Policy is satisfied.

### **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and is using the disputed domain name in bad faith.

The circumstances deemed to be evidence of the registration and use of a domain name in bad faith listed at paragraph 4(b) of the Policy are non-exhaustive examples.

In the present case, the Panel finds that:

- the disputed domain name identically reproduces the Complainant's SOPRA trademark which is distinctive and predates the disputed domain name by 30 years,
- the email address created from the disputed domain name, "[...][@fr-sopragroupe.com](mailto:fr-sopragroupe.com)", can only be perceived as related with the accounting department of the Complainant ("compta" is the short form of "comptabilité" which means "accounting" in French, "fr" refers to France, the country of origin of the Complainant, and "groupe" refers to the structure of the latter),
- less than 2 days after the registration of the disputed domain name, the Respondent used it to fraudulently impersonate the Complainant (see paragraphs 4 and 6.B. above),
- according to the information provided by the Respondent when filling-in the Whois database, it appears to be located in France, which is a main place of business for the Complainant,
- a part of the contact details provided by the Respondent to the Registrar is inaccurate (the phone number does not correspond to a French number and the postcode is incorrect),
- the Respondent, while invited to defend its case, has been remaining silent in this procedure.

It necessarily and obviously results from the above findings that the Respondent registered the disputed domain name being fully aware of the Complainant's prior rights, and that it has intentionally used the disputed domain name in an attempt to deceive a third party by fraudulently impersonating the Complainant.

In that regard, it is of constant case-law that the use of a domain name for illegitimate activity, such as phishing or identity theft, is considered as a manifest evidence of bad faith (see [WIPO Overview 3.0](#), sections 3.1.4 and 3.4, and *Sobeys Capital Incorporated v. Private By Design, LLC / Max Bill and Billi Max*,

WIPO Case No. [D2020-1670](#)).

As a conclusion of the above, the Panel finds that the disputed domain name was registered and has been used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <fr-sopragroupe.com>, be transferred to the Complainant.

*/Fabrice Bircker/*

**Fabrice Bircker**

Sole Panelist

Date: June 14, 2022